

## CHAPTER 2020-152

### Committee Substitute for Senate Bill No. 1326

An act relating to child welfare; amending s. 20.19, F.S.; requiring the Department of Children and Families to establish performance metrics; specifying goals that must be established; revising and providing duties of community alliances; revising membership of community alliances; amending s. 39.3065, F.S.; requiring sheriffs providing certain services to adopt the child welfare practice model; requiring sheriffs providing certain services to monitor program performance and meet, at least quarterly, to collaborate on specified quality assurance and initiatives; requiring the department to conduct an annual evaluation of the sheriffs' program performance based on certain criteria; requiring the department to submit an annual report on certain information by a specified date; providing report requirements; amending s. 402.402, F.S.; requiring the department to implement certain policies and programs; requiring the annual report to include information on professional advancement of child protective investigators and supervisors; requiring attorneys contracting with the department to receive certain training within a specified time; creating s. 402.715, F.S.; requiring the department to establish an Office of Quality; providing duties of the office; amending s. 402.7305, F.S.; removing limitations on monitoring of child-caring or child-placing services providers; amending s. 409.988, F.S.; revising the duties of a lead agency; amending s. 409.996, F.S.; adding responsibilities to the department of contracts regarding care for children in the child welfare system; specifying additional requirements for contracts; authorizing the department to provide technical assistance to lead agencies; authorizing the department to contract for the provision of children's legal services; requiring the contracted attorneys to adopt the child welfare practice model and operating in the same manner as attorneys employed by the department; requiring the department and the contracted attorneys to monitor program performance; requiring the department to conduct an annual evaluation based on certain criteria; requiring the department to submit an annual report to the Governor and Legislature by a specified date; revising requirements regarding the quality assurance program for contracted services to dependent children; deleting obsolete language; requiring the department to develop a statewide accountability system; requiring that such system be implemented by a specified date; providing requirements for such accountability system; requiring the department and lead agencies to promote enhanced quality service delivery; requiring the department to submit a report to the Governor and the Legislature annually by a specified date; authorizing the department to adopt rules; requiring the department to implement pilot projects to improve child welfare outcomes in specified judicial circuits; requiring the department to establish performance metrics and standards to implement the pilot projects; requiring lead agencies in specified judicial circuits to provide certain data to the department each quarter; requiring the department to

review such data; authorizing the department to advance incentive funding to certain lead agencies that meet specified requirements; requiring the department to include certain results in a specified report; providing for future expiration; deleting a provision requiring the department to convene a certain workgroup; amending s. 409.997, F.S.; specifying types of data that may be used by the department in an accountability program; adding contract compliance as a use of the data; allowing the requirements of monitoring program to be incorporated into contract management program of the department; amending s. 1004.615, F.S.; requiring the Florida Institute for Child Welfare and the Florida State University College of Social Work to design and implement a specified curriculum; providing requirements of the institute regarding the curriculum; requiring the institute to contract for certain evaluations; requiring certain entities to design and implement a career-long professional development curriculum for child welfare professionals; requiring the institute to establish a consulting program for child welfare organizations; requiring the department to develop a career ladder for child protective investigations professionals and submit a proposal to the Legislature by a specified date; providing a short title; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (1) and paragraphs (b), (d), and (e) of subsection (5) of section 20.19, Florida Statutes, are amended to read:

20.19 Department of Children and Families.—There is created a Department of Children and Families.

(1) MISSION AND PURPOSE.—

(b) The department shall develop a strategic plan for fulfilling its mission and establish a set of measurable goals, objectives, performance standards and metrics, and quality assurance requirements to ensure that the department is accountable to the people of Florida. Such goals shall, at a minimum, include those specified in s. 409.986(2).

(5) COMMUNITY ALLIANCES.—

(b) The duties of the community alliance include, but are not limited to:

1. Joint planning for resource utilization in the community, including resources appropriated to the department and any funds that local funding sources choose to provide.

2. Needs assessment and establishment of community priorities for service delivery.

3. Determining community outcome goals to supplement state-required outcomes.

4. Serving as a catalyst for community resource development, including, but not limited to, identifying existing programs and services delivered by and assistance available from community-based and faith-based organizations, and encouraging the development and availability of such programs, services, and assistance by such organizations. The community alliance shall ensure that the community-based care lead agency is aware of such programs, services, and assistance and work to facilitate the lead agency’s appropriate use of these resources.

5. Providing for community education and advocacy on issues related to delivery of services.

6. Promoting prevention and early intervention services.

(d) ~~The initial~~ membership of the community alliance in a county shall at a minimum be composed of the following:

- 1. A representative from the department.
- 2. A representative from county government.
- 3. A representative from the school district.
- 4. A representative from the county United Way.
- 5. A representative from the county sheriff’s office.
- 6. A representative from the circuit court corresponding to the county.
- 7. A representative from the county children’s board, if one exists.
- 8. A representative of a faith-based organization involved in efforts to prevent child maltreatment, strengthen families, or promote adoption.

(e) ~~At any time after the initial meeting of the community alliance,~~ The community alliance shall adopt bylaws and may increase the membership of the alliance to include the state attorney for the judicial circuit in which the community alliance is located, or his or her designee, the public defender for the judicial circuit in which the community alliance is located, or his or her designee, and ~~Other individuals and organizations who represent funding organizations, are community leaders, have knowledge of community-based service issues, or otherwise represent perspectives that will enable them to accomplish the duties listed in paragraph (b), if, in the judgment of the alliance, such change is necessary to adequately represent the diversity of the population within the community alliance service circuits.~~

Section 2. Section 39.3065, Florida Statutes, is amended to read:

39.3065 Sheriffs of certain counties to provide child protective investigative services; procedures; funding.—

(1) As described in this section, the department of ~~Children and Families~~ shall, by the end of fiscal year 1999-2000, transfer all responsibility for child protective investigations for Pinellas County, Manatee County, Broward County, and Pasco County to the sheriff of that county in which the child abuse, neglect, or abandonment is alleged to have occurred. Each sheriff is responsible for the provision of all child protective investigations in his or her county. Each individual who provides these services must complete the training provided to and required of protective investigators employed by the department of ~~Children and Families~~.

(2) During fiscal year 1998-1999, the department of ~~Children and Families~~ and each sheriff's office shall enter into a contract for the provision of these services. Funding for the services will be appropriated to the department of ~~Children and Families~~, and the department shall transfer to the respective sheriffs for the duration of fiscal year 1998-1999, funding for the investigative responsibilities assumed by the sheriffs, including federal funds that the provider is eligible for and agrees to earn and that portion of general revenue funds which is currently associated with the services that are being furnished under contract, and including, but not limited to, funding for all investigative, supervisory, and clerical positions; training; all associated equipment; furnishings; and other fixed capital items. The contract must specify whether the department will continue to perform part or none of the child protective investigations during the initial year. The sheriffs may either conduct the investigations themselves or may, in turn, subcontract with law enforcement officials or with properly trained employees of private agencies to conduct investigations related to neglect cases only. If such a subcontract is awarded, the sheriff must take full responsibility for any safety decision made by the subcontractor and must immediately respond with law enforcement staff to any situation that requires removal of a child due to a condition that poses an immediate threat to the child's life. The contract must specify whether the services are to be performed by departmental employees or by persons determined by the sheriff. During this initial year, the department is responsible for quality assurance, and the department retains the responsibility for the performance of all child protective investigations. The department must identify any barriers to transferring the entire responsibility for child protective services to the sheriffs' offices and must pursue avenues for removing any such barriers by means including, but not limited to, applying for federal waivers. By January 15, 1999, the department shall submit to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate and House committees that oversee departmental activities a report that describes any remaining barriers, including any that pertain to funding and related administrative issues. Unless the Legislature, on the basis of that report or other pertinent information, acts to block a transfer of the entire responsibility for child protective investigations to the sheriffs' offices, the sheriffs of Pasco County, Manatee County, Broward County, and Pinellas County, beginning in fiscal year 1999-2000, shall assume the entire responsibility for such services, as provided in subsection (3).

(3)(a) Beginning in fiscal year 1999-2000, the sheriffs of Pasco County, Manatee County, Broward County, and Pinellas County have the responsibility to provide all child protective investigations in their respective counties. Beginning in fiscal year 2000-2001, the department of ~~Children and Families~~ is authorized to enter into grant agreements with sheriffs of other counties to perform child protective investigations in their respective counties. The sheriffs of other counties with which the department enters into grant agreements shall adopt the child welfare practice model, as periodically modified by the department, that is used by child protective investigators employed by the department.

(b) The sheriffs shall operate, at a minimum, in accordance with the performance standards and outcome measures established by the Legislature for protective investigations conducted by the department of ~~Children and Families~~.

1. All sheriffs shall operate in accord with the same federal performance standards and metrics that are imposed by federal law, regulation, or funding requirements on child protective investigators employed by the department.

2. Sheriffs of other counties with which the department enters into grant agreements under paragraph (a) shall operate in accordance with the same child welfare practice model principles used by, and same state performance standards and metrics that are imposed on, child protective investigators employed by the department.

Each individual who provides these services must complete, at a minimum, the training provided to and required of protective investigators employed by the department of ~~Children and Families~~.

(c) Funds for providing child protective investigations must be identified in the annual appropriation made to the department of ~~Children and Families~~, which shall award grants for the full amount identified to the respective sheriffs' offices. Notwithstanding the provisions of ss. 216.181(16)(b) and 216.351, the department of ~~Children and Families~~ may advance payments to the sheriffs for child protective investigations. Funds for the child protective investigations may not be integrated into the sheriffs' regular budgets. Budgetary data and other data relating to the performance of child protective investigations must be maintained separately from all other records of the sheriffs' offices and reported to the department of ~~Children and Families~~ as specified in the grant agreement.

(d) The department and all sheriffs providing child protective investigative services shall collaborate to monitor program performance on an ongoing basis. The department and each sheriff, or his or her designee, shall meet at least quarterly to collaborate on federal and state quality assurance and quality improvement initiatives.

~~(e)(d)~~ The department shall conduct an annual evaluation of the program performance of all sheriffs providing child protective investigative services.

1. For the sheriffs of Pasco County, Manatee County, Broward County, and Pinellas County, the evaluation shall only be based on the same federal performance standards and metrics, and those state performance standards and metrics that are not specific to or based on the child welfare practice model, that are imposed on child protective investigators employed by the department.

2. For sheriffs of other counties with which the department enters into grant agreements under paragraph (a), this evaluation shall be based on the same child welfare practice model principles used by, and federal and state performance standards and metrics that are imposed on, child protective investigators employed by criteria mutually agreed upon by the respective sheriffs and the department of Children and Families.

The program performance evaluation must be standardized statewide excepting state performance standards and metrics that are not specific to or based on the child welfare practice model not being applicable to certain sheriffs as provided in subparagraph (e)1. The department shall select random cases for evaluation. The program performance evaluation shall be conducted by a team of peer reviewers from the respective sheriffs' offices that perform child protective investigations and representatives from the department.

~~(f)~~ The department of Children and Families shall produce submit an annual report regarding, at a minimum, quality performance quality, outcome-measure attainment, and cost efficiency of the services provided by all sheriffs providing child protective investigative services. The annual report shall include data and information on both the sheriffs' and the department's performance of protective investigations. The department shall submit the annual report to the President of the Senate, the Speaker of the House of Representatives, and to the Governor no later than November 1 January 31 of each year the sheriffs are receiving general appropriations to provide child protective investigations.

Section 3. Section 402.402, Florida Statutes, is amended to read:

402.402 Child protection and child welfare personnel; attorneys employed by the department.—

(1) CHILD PROTECTIVE INVESTIGATION PROFESSIONAL STAFF REQUIREMENTS.—The department is responsible for recruitment of qualified professional staff to serve as child protective investigators and child protective investigation supervisors. The department shall make every effort to recruit and hire persons qualified by their education and experience to perform social work functions. The department's efforts shall be guided by the goal that by July 1, 2019, at least half of all child protective investigators

and supervisors will have a bachelor's degree or a master's degree in social work from a college or university social work program accredited by the Council on Social Work Education. The department, in collaboration with the lead agencies, subcontracted provider organizations, the Florida Institute for Child Welfare created pursuant to s. 1004.615, and other partners in the child welfare system, shall develop a protocol for screening candidates for child protective positions which reflects the preferences specified in paragraphs (a)-(f). The following persons shall be given preference in the recruitment of qualified professional staff, but the preferences serve only as guidance and do not limit the department's discretion to select the best available candidates:

(a) Individuals with baccalaureate degrees in social work and child protective investigation supervisors with master's degrees in social work from a college or university social work program accredited by the Council on Social Work Education.

(b) Individuals with baccalaureate or master's degrees in psychology, sociology, counseling, special education, education, human development, child development, family development, marriage and family therapy, and nursing.

(c) Individuals with baccalaureate degrees who have a combination of directly relevant work and volunteer experience, preferably in a public service field related to children's services, demonstrating critical thinking skills, formal assessment processes, communication skills, problem solving, and empathy; a commitment to helping children and families; a capacity to work as part of a team; an interest in continuous development of skills and knowledge; and personal strength and resilience to manage competing demands and handle workplace stresses.

(2) **SPECIALIZED TRAINING.**—All child protective investigators and child protective investigation supervisors employed by the department or a sheriff's office must complete specialized training either focused on serving a specific population, including, but not limited to, medically fragile children, sexually exploited children, children under 3 years of age, or families with a history of domestic violence, mental illness, or substance abuse, or focused on performing certain aspects of child protection practice, including, but not limited to, investigation techniques and analysis of family dynamics. The specialized training may be used to fulfill continuing education requirements under s. 402.40(3)(e). ~~Individuals hired before July 1, 2014, shall complete the specialized training by June 30, 2016, and individuals hired on or after July 1, 2014, shall complete the specialized training within 2 years after hire.~~ An individual may receive specialized training in multiple areas.

(3) **STAFF SUPPORT.**—The department shall implement policies and programs that mitigate and prevent the impact of secondary traumatic stress and burnout among child protective investigations staff, including, but not limited to:

(a) Initiatives to encourage and inspire child protective investigations staff, including recognizing their achievements on a recognition wall within their unit.

(b) Formal procedures for providing support to child protective investigations staff after a critical incident such as a child fatality.

(c) Initial training upon appointment to a supervisory position and annual continuing education for all supervisors on how to prevent secondary traumatic stress and burnout among the employees they supervise.

(d) Monitoring levels of secondary traumatic stress and burnout among individual employees and intervening as needed. The department shall closely monitor and respond to levels of secondary traumatic stress and burnout among employees during the first 2 years after hire.

(e) Ongoing training in self-care for all child protective investigations staff.

Such programs may also include, but are not limited, to formal peer counseling and support programs.

~~(4)~~(3) REPORT.—By each October 1, the department shall submit a report on the educational qualifications, turnover, professional advancement, and working conditions of the child protective investigators and supervisors to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

~~(5)~~(4) ATTORNEYS EMPLOYED BY OR CONTRACTING WITH THE DEPARTMENT TO HANDLE CHILD WELFARE CASES.—Attorneys hired or contracted with on or after July 1, 2014, whose primary responsibility is representing the department in child welfare cases shall, within the first 6 months of employment, receive training in:

(a) The dependency court process, including the attorney's role in preparing and reviewing documents prepared for dependency court for accuracy and completeness.;

(b) Preparing and presenting child welfare cases, including at least 1 week shadowing an experienced children's legal services attorney preparing and presenting cases.;

(c) Safety assessment, safety decisionmaking tools, and safety plans.;

(d) Developing information presented by investigators and case managers to support decisionmaking in the best interest of children.;

~~and~~

(e) The experiences and techniques of case managers and investigators, including shadowing an experienced child protective investigator and an experienced case manager for at least 8 hours.



Section 4. Section 402.715, Florida Statutes, is created to read:

402.715 Office of Quality.—Subject to an appropriation, the department shall establish a department-wide Office of Quality to ensure that the department and its contracted service providers achieve high levels of performance. Duties of the office include, but are not limited to:

(1) Identifying performance standards and metrics for the department and all contracted service providers, including, but not limited to, law enforcement agencies, managing entities, community-based care lead agencies, and attorney services. Such performance standards and metrics shall be reflected in the strategic plan required under s. 20.19(1). Performance standards and metrics for the child welfare system shall, at a minimum, incorporate measures used in the results-oriented accountability system under s. 409.997.

(2) Strengthening the department’s data and analytic capabilities to identify systemic strengths and deficiencies.

(3) Recommending, in consultation with the relevant program office, initiatives to correct programmatic and systemic deficiencies.

(4) Engaging and collaborating with contractors, stakeholders, and other relevant entities to improve quality, efficiency, and effectiveness of department programs and services.

(5) Reporting systemic or persistent failures to meet performance standards and recommending corrective action to the secretary.

Section 5. Section 402.7305, Florida Statutes, is amended to read:

402.7305 Department of Children and Families; procurement of contractual services; contract management.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Contract manager” means the department employee who is responsible for enforcing the compliance with administrative and programmatic terms and conditions of a contract. The contract manager is the primary point of contact through which all contracting information flows between the department and the contractor. The contract manager is responsible for day-to-day contract oversight, including approval of contract deliverables and invoices. All actions related to the contract shall be initiated by or coordinated with the contract manager. The contract manager maintains the official contract files.

(b) “Contract monitor” means the department employee who is responsible for observing, recording, and reporting to the contract manager and other designated entities the information necessary to assist the contract manager and program management in determining whether the contractor

is in compliance with the administrative and programmatic terms and conditions of the contract.

(c) “Department” means the Department of Children and Families.

(d) “Outsourcing” means the process of contracting with an external service provider to provide a service, in whole or in part, while the department retains the responsibility and accountability for the service.

(2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.—

(a) Notwithstanding s. 287.057(3)(e)12., if the department intends to contract with a public postsecondary institution to provide a service, the department must allow all public postsecondary institutions in this state that are accredited by the Southern Association of Colleges and Schools to bid on the contract. Thereafter, notwithstanding any other provision of law, if a public postsecondary institution intends to subcontract for any service awarded in the contract, the subcontracted service must be procured by competitive procedures.

(b) When it is in the best interest of a defined segment of its consumer population, the department may competitively procure and contract for systems of treatment or service that involve multiple providers, rather than procuring and contracting for treatment or services separately from each participating provider. The department must ensure that all providers that participate in the treatment or service system meet all applicable statutory, regulatory, service quality, and cost control requirements. If other governmental entities or units of special purpose government contribute matching funds to the support of a given system of treatment or service, the department shall formally request information from those funding entities in the procurement process and may take the information received into account in the selection process. If a local government contributes matching funds to support the system of treatment or contracted service and if the match constitutes at least 25 percent of the value of the contract, the department shall afford the governmental match contributor an opportunity to name an employee as one of the persons required by s. 287.057(16) to evaluate or negotiate certain contracts, unless the department sets forth in writing the reason why the inclusion would be contrary to the best interest of the state. Any employee so named by the governmental match contributor shall qualify as one of the persons required by s. 287.057(16). A governmental entity or unit of special purpose government may not name an employee as one of the persons required by s. 287.057(16) if it, or any of its political subdivisions, executive agencies, or special districts, intends to compete for the contract to be awarded. The governmental funding entity or contributor of matching funds must comply with all procurement procedures set forth in s. 287.057 when appropriate and required.

(c) The department may procure and contract for or provide assessment and case management services independently from treatment services.

(3) **CONTRACT MANAGEMENT REQUIREMENTS AND PROCESS.** The Department of Children and Families shall review the time period for which the department executes contracts and shall execute multiyear contracts to make the most efficient use of the resources devoted to contract processing and execution. Whenever the department chooses not to use a multiyear contract, a justification for that decision must be contained in the contract. Notwithstanding s. 287.057(14), the department is responsible for establishing a contract management process that requires a member of the department's Senior Management or Selected Exempt Service to assign in writing the responsibility of a contract to a contract manager. The department shall maintain a set of procedures describing its contract management process which must minimally include the following requirements:

(a) The contract manager shall maintain the official contract file throughout the duration of the contract and for a period not less than 6 years after the termination of the contract.

(b) The contract manager shall review all invoices for compliance with the criteria and payment schedule provided for in the contract and shall approve payment of all invoices before their transmission to the Department of Financial Services for payment.

(c) The contract manager shall maintain a schedule of payments and total amounts disbursed and shall periodically reconcile the records with the state's official accounting records.

(d) For contracts involving the provision of direct client services, the contract manager shall periodically visit the physical location where the services are delivered and speak directly to clients receiving the services and the staff responsible for delivering the services.

(e) The contract manager shall meet at least once a month directly with the contractor's representative and maintain records of such meetings.

(f) The contract manager shall periodically document any differences between the required performance measures and the actual performance measures. If a contractor fails to meet and comply with the performance measures established in the contract, the department may allow a reasonable period for the contractor to correct performance deficiencies. If performance deficiencies are not resolved to the satisfaction of the department within the prescribed time, and if no extenuating circumstances can be documented by the contractor to the department's satisfaction, the department must terminate the contract. The department may not enter into a new contract with that same contractor for the services for which the contract was previously terminated for a period of at least 24 months after the date of termination. The contract manager shall obtain and enforce corrective action plans, if appropriate, and maintain records regarding the completion or failure to complete corrective action items.

(g) The contract manager shall document any contract modifications, which shall include recording any contract amendments as provided for in this section.

(h) The contract manager shall be properly trained before being assigned responsibility for any contract.

(4) **CONTRACT MONITORING REQUIREMENTS AND PROCESS.**— The department shall establish contract monitoring units staffed by career service employees who report to a member of the Selected Exempt Service or Senior Management Service and who have been properly trained to perform contract monitoring. At least one member of the contract monitoring unit must possess specific knowledge and experience in the contract's program area. The department shall establish a contract monitoring process that includes, but is not limited to, the following requirements:

(a) Performing a risk assessment at the start of each fiscal year and preparing an annual contract monitoring schedule that considers the level of risk assigned. The department may monitor any contract at any time regardless of whether such monitoring was originally included in the annual contract monitoring schedule.

(b) Preparing a contract monitoring plan, including sampling procedures, before performing onsite monitoring at external locations of a service provider. The plan must include a description of the programmatic, fiscal, and administrative components that will be monitored on site. If appropriate, clinical and therapeutic components may be included.

(c) Conducting analyses of the performance and compliance of an external service provider by means of desk reviews if the external service provider will not be monitored on site during a fiscal year.

(d) Unless the department sets forth in writing the need for an extension, providing a written report presenting the results of the monitoring within 30 days after the completion of the onsite monitoring or desk review.

(e) Developing and maintaining a set of procedures describing the contract monitoring process.

~~Notwithstanding any other provision of this section, the department shall limit monitoring of a child-caring or child-placing services provider under this subsection to only once per year. Such monitoring may not duplicate administrative monitoring that is included in the survey of a child welfare provider conducted by a national accreditation organization specified under s. 402.7306(1).~~

Section 6. Paragraph (1) is added to subsection (1) of section 409.988, Florida Statutes, to read:

409.988 Lead agency duties; general provisions.—

(1) DUTIES.—A lead agency:

(l) Shall identify an employee to serve as a liaison with the community alliance and community-based and faith-based organizations interested in collaborating with the lead agency or offering services or other assistance on a volunteer basis to the children and families served by the lead agency. The lead agency shall ensure that appropriate lead agency staff and subcontractors, including, but not limited to, case managers, are informed of the specific services or assistance available from community-based and faith-based organizations.

Section 7. Section 409.996, Florida Statutes, is amended to read:

409.996 Duties of the Department of Children and Families.—The department shall contract for the delivery, administration, or management of care for children in the child protection and child welfare system. In doing so, the department retains responsibility for the quality of contracted services and programs and shall ensure that, at a minimum, services are delivered in accordance with applicable federal and state statutes and regulations and the performance standards and metrics specified in the strategic plan created under s. 20.19(1).

(1) The department shall enter into contracts with lead agencies for the performance of the duties by the lead agencies established in pursuant to s. 409.988. At a minimum, the contracts must:

(a) Provide for the services needed to accomplish the duties established in s. 409.988 and provide information to the department which is necessary to meet the requirements for a quality assurance program under pursuant to subsection ~~(19)~~ (18) and the child welfare results-oriented accountability system under pursuant to s. 409.997.

(b) Provide for tiered interventions and graduated penalties for failure to comply with contract terms or in the event of performance deficiencies. Such interventions and penalties shall ~~may~~ include, but are not limited to:

1. financial penalties, Enhanced monitoring and reporting,
2. Corrective action plans, ~~and~~
3. Requirements to accept technical assistance and consultation from the department under subsection (4).
4. Financial penalties, which shall require a lead agency to reallocate funds from administrative costs to direct care for children.
- ~~5. Early termination of contracts, as provided in s. 402.1705(3)(f) or other appropriate action to ensure contract compliance. The financial penalties shall require a lead agency to reallocate funds from administrative costs to direct care for children.~~

(c) Ensure that the lead agency shall furnish current and accurate information on its activities in all cases in client case records in the state's statewide automated child welfare information system.

(d) Specify the procedures to be used by the parties to resolve differences in interpreting the contract or to resolve disputes as to the adequacy of the parties' compliance with their respective obligations under the contract.

(2) The department must adopt written policies and procedures for monitoring the contract for delivery of services by lead agencies which must be posted on the department's website. These policies and procedures must, at a minimum, address the evaluation of fiscal accountability and program operations, including provider achievement of performance standards, provider monitoring of subcontractors, and timely followup of corrective actions for significant monitoring findings related to providers and subcontractors. These policies and procedures must also include provisions for reducing the duplication of the department's program monitoring activities both internally and with other agencies, to the extent possible. The department's written procedures must ensure that the written findings, conclusions, and recommendations from monitoring the contract for services of lead agencies are communicated to the director of the provider agency and the community alliance as expeditiously as possible.

(3) The department shall receive federal and state funds as appropriated for the operation of the child welfare system, transmit these funds to the lead agencies as agreed to in the contract, and provide information on its website of the distribution of the federal funds. The department retains responsibility for the appropriate spending of these funds. The department shall monitor lead agencies to assess compliance with the financial guidelines established under ~~pursuant to~~ s. 409.992 and other applicable state and federal laws.

(4) The department ~~may shall~~ provide technical assistance and consultation to lead agencies as necessary for the achievement of performance standards, including, but not limited to, providing additional resources to assist the lead agencies to implement best practices or institute operational efficiencies in the provision of care to children in the child protection and child welfare system.

(5) The department retains the responsibility for the review, approval or denial, and issuances of all foster home licenses.

(6) The department shall process all applications submitted by lead agencies for the Interstate Compact on the Placement of Children and the Interstate Compact on Adoption and Medical Assistance.

(7) The department shall assist lead agencies with access to and coordination with other service programs within the department.

(8) The department shall determine Medicaid eligibility for all referred children and shall coordinate services with the Agency for Health Care Administration.

(9) The department shall develop, in cooperation with the lead agencies, a third-party credentialing entity approved under pursuant to s. 402.40(3), and the Florida Institute for Child Welfare established under pursuant to s. 1004.615, a standardized competency-based curriculum for certification training for child protection staff.

(10) The department shall maintain the statewide adoptions website and provide information and training to the lead agencies relating to the website.

(11) The department shall provide training and assistance to lead agencies regarding the responsibility of lead agencies relating to children receiving supplemental security income, social security, railroad retirement, or veterans' benefits.

(12) With the assistance of a lead agency, the department shall develop and implement statewide and local interagency agreements needed to coordinate services for children and parents involved in the child welfare system who are also involved with the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Education, the Department of Health, and other governmental organizations that share responsibilities for children or parents in the child welfare system.

(13) With the assistance of a lead agency, the department shall develop and implement a working agreement between the lead agency and the substance abuse and mental health managing entity to integrate services and supports for children and parents serviced in the child welfare system.

(14) The department shall work with the Agency for Health Care Administration to provide each Medicaid-eligible child with early and periodic screening, diagnosis, and treatment, including 72-hour screening, periodic child health checkups, and prescribed followup for ordered services, including, but not limited to, medical, dental, and vision care.

(15) The department shall assist lead agencies in developing an array of services in compliance with the Title IV-E waiver and shall monitor the provision of such services.

(16) The department shall provide a mechanism to allow lead agencies to request a waiver of department policies and procedures that create inefficiencies or inhibit the performance of the lead agency's duties.

(17) The department may shall directly ~~or through contract~~ provide attorneys to prepare and present cases in dependency court and shall ensure that the court is provided with adequate information for informed decisionmaking in dependency cases, including, at a minimum, a face sheet for each case which lists the names and contact information for any child protective investigator, child protective investigation supervisor, case

manager, and case manager supervisor, and the regional department official responsible for the lead agency contract. The department shall provide to the court the case information and recommendations provided by the lead agency or subcontractor. For the Sixth Judicial Circuit, the department shall contract with the state attorney for the provision of these services.

(18)(a) The department may contract for the provision of children's legal services to prepare and present cases in dependency court. The contracted attorneys shall ensure that the court is provided with adequate information for informed decisionmaking in dependency cases, including, at a minimum, a face sheet for each case which lists the names and contact information for any child protective investigator, child protective investigator supervisor, and the regional department official responsible for the lead agency contract. The contracted attorneys shall provide to the court the case information and recommendations provided by the lead agency or subcontractor. For the Sixth Judicial Circuit, the department shall contract with the state attorney for the provision of these services.

(b) The contracted attorneys shall adopt the child welfare practice model, as periodically updated by the department, that is used by attorneys employed by the department. The contracted attorneys shall operate in accordance with the same federal and state performance standards and metrics imposed on children's legal services attorneys employed by the department.

(c) The department and contracted attorneys providing children's legal services shall collaborate to monitor program performance on an ongoing basis. The department and contracted attorneys, or a representative from such contracted attorneys' offices, shall meet at least quarterly to collaborate on federal and state quality assurance and quality improvement initiatives.

(d) The department shall conduct an annual program performance evaluation which shall be based on the same child welfare practice model principles and federal and state performance standards that are imposed on children's legal services attorneys employed by the department. The program performance evaluation must be standardized statewide and the department shall select random cases for evaluation. The program performance evaluation shall be conducted by a team of peer reviewers from the respective contracted attorneys' offices that perform children's legal services and representatives from the department.

(e) The department shall publish an annual report regarding, at a minimum, performance quality, outcome-measure attainment, and cost efficiency of the services provided by the contracted attorneys. The annual report must include data and information on the performance of both the contracted attorneys and the department's attorneys. The department shall submit the annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than November 1 of each year that the contracted attorneys are receiving appropriations to provide children's legal services for the department.



~~(19)~~(18) The department, in consultation with lead agencies, shall establish a quality assurance program for contracted services to dependent children. The quality assurance program shall, at a minimum, be based on standards established by federal and state law, and national accrediting organizations, and the Office of Quality established under s. 402.715, and must be consistent with the child welfare results-oriented accountability system required by s. 409.997.

(a) The department must evaluate each lead agency under contract at least annually. These evaluations shall cover the programmatic, operational, and fiscal operations of the lead agency ~~and must be consistent with the child welfare results-oriented accountability system required by s. 409.997.~~ The department must consult with dependency judges in the circuit or circuits served by the lead agency on the performance of the lead agency.

(b) The department and each lead agency shall monitor out-of-home placements, including the extent to which sibling groups are placed together or provisions to provide visitation and other contacts if siblings are separated. The data shall identify reasons for sibling separation. Information related to sibling placement shall be incorporated into the results-oriented accountability system required under pursuant to s. 409.997 and into the evaluation of the outcome specified in s. 409.986(2)(e). The information related to sibling placement shall also be made available to the institute established under pursuant s. 1004.615 for use in assessing the performance of child welfare services in relation to the outcome specified in s. 409.986(2)(e).

(c) The department shall, to the extent possible, use independent financial audits provided by the lead agency to eliminate or reduce the ongoing contract and administrative reviews conducted by the department. If the department determines that such independent financial audits are inadequate, other audits, as necessary, may be conducted by the department. This paragraph does not abrogate the requirements of s. 215.97.

(d) The department may suggest additional items to be included in such independent financial audits to meet the department’s needs.

(e) The department may outsource programmatic, administrative, or fiscal monitoring oversight of lead agencies.

(f) A lead agency must assure that all subcontractors are subject to the same quality assurance activities as the lead agency.

~~(20)~~(19) The department and its attorneys, including contracted attorneys, have the responsibility to ensure that the court is fully informed about issues before it, to make recommendations to the court, and to present competent evidence, including testimony by the department’s employees, contractors, and subcontractors, as well as other individuals, to support all recommendations made to the court. The department’s attorneys shall coordinate lead agency or subcontractor staff to ensure that dependency

cases are presented appropriately to the court, giving consideration to the information developed by the case manager and direction to the case manager if more information is needed.

~~(21)~~(20) The department, in consultation with lead agencies, shall develop a dispute resolution process so that disagreements between legal staff, investigators, and case management staff can be resolved in the best interest of the child in question before court appearances regarding that child.

~~(22)~~(21) The department shall periodically, and before procuring a lead agency, solicit comments and recommendations from the community alliance established in s. 20.19(5), any other community groups, or public hearings. The recommendations must include, but are not limited to:

- (a) The current and past performance of a lead agency.
- (b) The relationship between a lead agency and its community partners.
- (c) Any local conditions or service needs in child protection and child welfare.

~~(23)~~(22) The department shall develop, in collaboration with the Florida Institute for Child Welfare, lead agencies, service providers, current and former foster children placed in residential group care, and other community stakeholders, a statewide accountability system for residential group care providers based on measureable quality standards.

- (a) The accountability system must:
  1. Promote high quality in services and accommodations, differentiating between shift and family-style models and programs and services for children with specialized or extraordinary needs, such as pregnant teens and children with Department of Juvenile Justice involvement.
  2. Include a quality measurement system with domains and clearly defined levels of quality. The system must measure the level of quality for each domain, using criteria that residential group care providers must meet in order to achieve each level of quality. Domains may include, but are not limited to, admissions, service planning, treatment planning, living environment, and program and service requirements. The system may also consider outcomes 6 months and 12 months after a child leaves the provider's care. However, the system may not assign a single summary rating to residential group care providers.
  3. Consider the level of availability of trauma-informed care and mental health and physical health services, providers' engagement with the schools children in their care attend, and opportunities for children's involvement in extracurricular activities.

(b) After development and implementation of the accountability system in accordance with paragraph (a), the department and each lead agency shall use the information from the accountability system to promote enhanced quality in residential group care within their respective areas of responsibility. Such promotion may include, but is not limited to, the use of incentives and ongoing contract monitoring efforts.

(c) The department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1 of each year, ~~with the first report due October 1, 2017.~~ The report must, at a minimum, include an update on the development of a statewide accountability system for residential group care providers and a plan for department oversight and implementation of the statewide accountability system. After implementation of the statewide accountability system, the report must also include a description of the system, including measures and any tools developed, a description of how the information is being used by the department and lead agencies, an assessment of placement of children in residential group care using data from the accountability system measures, and recommendations to further improve quality in residential group care.

(d) The accountability system must be implemented by July 1, 2022.

(e) Nothing in this subsection impairs the department’s licensure authority under s. 409.175.

(f) The department may adopt rules to administer this subsection.

(24) In collaboration with lead agencies, service providers, and other community stakeholders, the department shall develop a statewide accountability system based on measurable quality standards. The accountability system must be implemented by July 1, 2021.

(a) The accountability system must:

1. Assess the overall health of the child welfare system, by circuit, using grading criteria established by the department.

2. Include a quality measurement system with domains and clearly defined levels of quality. The system must measure the performance standards for child protective investigators, lead agencies, and children’s legal services throughout the system of care, using criteria established by the department, and, at a minimum, address applicable federal- and state-mandated metrics.

3. Align with the principles of the results-oriented accountability program established under s. 409.997.

(b) After the development and implementation of the accountability system under this subsection, the department and each lead agency shall use the information from the accountability system to promote enhanced quality service delivery within their respective areas of responsibility.

(c) By December 1 of each year, the department shall submit a report on the overall health of the child welfare system to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(d) The department may adopt rules to implement this subsection.

(25) Subject to an appropriation, for the 2020-2021 and 2021-2022 fiscal years, the department shall implement a pilot project in the Sixth and Thirteenth Judicial Circuits, respectively, aimed at improving child welfare outcomes.

(a) In implementing the pilot projects, the department shall establish performance metrics and performance standards to assess improvements in safety, permanency, and the well-being of children in the local system of care for the lead agencies in those judicial circuits. Such metrics and standards must be aligned with indicators used in the most recent federal Child and Family Services Reviews.

(b) The lead agencies in the Sixth and Thirteenth Judicial Circuits shall provide performance data to the department each quarter. The department shall review the data for accuracy and completeness and then shall compare the actual performance of the lead agencies to the established performance metrics and standards. Each lead agency that exceeds performance metrics and standards is eligible for incentive funding.

(c) For the first quarter of each fiscal year, the department may advance incentive funding to the lead agencies in an amount equal to one quarter of the total allocated to the pilot project. After each quarter, the department shall assess the performance of the lead agencies for that quarter and adjust the subsequent quarter's incentive funding based on its actual prior quarter performance.

(d) The department shall include the results of the pilot projects in the report required in subsection (24) of this section. The report must include the department's findings and recommendations relating to the pilot projects.

(e) This subsection expires July 1, 2022.

~~(23)(a) The department, in collaboration with the Florida Institute for Child Welfare, shall convene a workgroup on foster home quality. The workgroup, at a minimum, shall identify measures of foster home quality, review current efforts by lead agencies and subcontractors to enhance foster home quality, identify barriers to the greater availability of high-quality foster homes, and recommend additional strategies for assessing the quality of foster homes and increasing the availability of high-quality foster homes.~~

~~(b) The workgroup shall include representatives from the department, the Florida Institute for Child Welfare, foster parents, current and former foster children, foster parent organizations, lead agencies, child-placing agencies, other service providers, and others as determined by the department.~~

~~(c) The Florida Institute for Child Welfare shall provide the workgroup with relevant research on, at a minimum, measures of quality of foster homes; evidence-supported strategies to increase the availability of high-quality foster homes, such as those regarding recruitment, screening, training, retention, and child placement; descriptions and results of quality improvement efforts in other jurisdictions; and the root causes of placement disruption.~~

~~(d) The department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 15, 2017. The report shall, at a minimum:~~

- ~~1. Describe the important dimensions of quality for foster homes;~~
- ~~2. Describe the foster home quality enhancement efforts in the state, including, but not limited to, recruitment, retention, placement procedures, systems change, and quality measurement programs, and any positive or negative results;~~
- ~~3. Identify barriers to the greater availability of high-quality foster homes;~~
- ~~4. Discuss available research regarding high-quality foster homes; and~~
- ~~5. Present a plan for developing and implementing strategies to increase the availability of high-quality foster homes. The strategies shall address important elements of quality, be based on available research, include both qualitative and quantitative measures of quality, integrate with the community-based care model, and be respectful of the privacy and needs of foster parents. The plan shall recommend possible instruments and measures and identify any changes to general law or rule necessary for implementation.~~

Section 8. Subsections (2) and (3) of section 409.997, Florida Statutes, are amended to read:

409.997 Child welfare results-oriented accountability program.—

(2) The purpose of the results-oriented accountability program is to monitor and measure the use of resources, the quality and amount of services provided, and child and family outcomes. The program includes data analysis, research review, and evaluation. The program shall produce an assessment of individual entities' performance, as well as the performance of groups of entities working together on a local, judicial circuit, regional, and statewide basis to provide an integrated system of care. Data analyzed and communicated through the accountability program shall inform the department's development and maintenance of an inclusive, interactive, and evidence-supported program of quality improvement which promotes individual skill building as well as organizational learning. The department may use ~~Additionally,~~ outcome data generated by the program regarding performance drivers, process improvements, short-term and long-

term outcomes, and quality improvement efforts to determine contract compliance and ~~may be used~~ as the basis for payment of performance incentives if funds for such payments are made available through the General Appropriations Act. The information compiled and utilized in the accountability program must incorporate, at a minimum:

(a) Valid and reliable outcome measures for each of the goals specified in this subsection. The outcome data set must consist of a limited number of understandable measures using available data to quantify outcomes as children move through the system of care. Such measures may aggregate multiple variables that affect the overall achievement of the outcome goals. Valid and reliable measures must be based on adequate sample sizes, be gathered over suitable time periods, and reflect authentic rather than spurious results, and may not be susceptible to manipulation.

(b) Regular and periodic monitoring activities that track the identified outcome measures on a statewide, regional, and provider-specific basis. Monitoring reports must identify trends and chart progress toward achievement of the goals specified in this subsection. The accountability program may not rank or compare performance among community-based care regions unless adequate and specific adjustments are adopted which account for the diversity in regions' demographics, resources, and other relevant characteristics. The requirements of the monitoring program may be incorporated into the department's quality assurance and contract management programs ~~program~~.

(c) An analytical framework that builds on the results of the outcomes monitoring procedures and assesses the statistical validity of observed associations between child welfare interventions and the measured outcomes. The analysis must use quantitative methods to adjust for variations in demographic or other conditions. The analysis must include longitudinal studies to evaluate longer term outcomes, such as continued safety, family permanence, and transition to self-sufficiency. The analysis may also include qualitative research methods to provide insight into statistical patterns.

(d) A program of research review to identify interventions that are supported by evidence as causally linked to improved outcomes.

(e) An ongoing process of evaluation to determine the efficacy and effectiveness of various interventions. Efficacy evaluation is intended to determine the validity of a causal relationship between an intervention and an outcome. Effectiveness evaluation is intended to determine the extent to which the results can be generalized.

(f) Procedures for making the results of the accountability program transparent for all parties involved in the child welfare system as well as policymakers and the public, which shall be updated at least quarterly and published on the department's website in a manner that allows custom searches of the performance data. The presentation of the data shall provide

a comprehensible, visual report card for the state and each community-based care region, indicating the current status of the outcomes relative to each goal and trends in that status over time. The presentation shall identify and report outcome measures that assess the performance of the department, the community-based care lead agencies, and their subcontractors working together to provide an integrated system of care.

(g) An annual performance report that is provided to interested parties including the dependency judge or judges in the community-based care service area. The report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1 of each year.

~~(3) The department shall establish a technical advisory panel consisting of representatives from the Florida Institute for Child Welfare established pursuant to s. 1004.615, lead agencies, community-based care providers, other contract providers, community alliances, and family representatives. The President of the Senate and the Speaker of the House of Representatives shall each appoint a member to serve as a legislative liaison to the panel. The technical advisory panel shall advise the department on the implementation of the results-oriented accountability program.~~

Section 9. Present subsections (6) and (7) of section 1004.615, Florida Statutes, are renumbered as subsections (9) and (10), respectively, and new subsections (6) and (7) and subsection (8) are added to that section, to read:

1004.615 Florida Institute for Child Welfare.—

(6) The institute and the Florida State University College of Social Work shall design and implement a curriculum that enhances knowledge and skills for the child welfare practice. The institute and the college shall create the curriculum using interactive and interdisciplinary approaches and include opportunities for students to gain an understanding of real-world child welfare cases. The institute shall disseminate the curriculum to other interested state universities and colleges and provide implementation support. The institute shall contract with a person or entity of its choosing, by November 1, 2020, to evaluate the curriculum and make recommendations for improvement. The college shall implement the curriculum during the 2021-2022 school year. This subsection is subject to an appropriation.

(7) The institute, in collaboration with the department, community-based care lead agencies, providers of case management services, and other child welfare stakeholders, shall design and implement a career-long professional development curriculum for child welfare professionals at all levels and from all disciplines. The professional development curriculum must enhance the performance of the current child welfare workforce, address issues related to retention, complement the social work curriculum, and be developed using social work principles. The professional development curriculum shall provide career-long coaching, training, certification, and mentorship. The institute must provide the professional support on a

continuous basis through online and in-person services. The professional development curriculum must be available by July 1, 2021. This subsection is subject to an appropriation.

(8) The institute shall establish a consulting program for child welfare organizations to enhance workforce culture, supervision, and related management processes to improve retention, effectiveness, and overall well-being of staff to support improved child welfare outcomes. The institute shall select child welfare organizations through a competitive application process and provide ongoing analysis, recommendations, and support from a team of experts on a long-term basis to address systemic and operational workforce challenges. This subsection is subject to an appropriation.

Section 10. The Department of Children and Families, in collaboration with the Florida Institute of Child Welfare, shall develop an expanded career ladder for child protective investigations staff. The career ladder shall include multiple levels of child protective investigator classifications, corresponding milestones and professional development opportunities necessary for advancement, and compensation ranges. The department must submit a proposal for the expanded career ladder to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than November 1, 2020.

Section 11. Sections 1, 3, and 6 of this act may be cited as the “State of Hope Act.”

Section 12. This act shall take effect July 1, 2020.

Approved by the Governor June 30, 2020.

Filed in Office Secretary of State June 30, 2020.